

REMARKS

By this amendment, claims 1, 2, 4-7, 9-12 and 14-23 are pending, in which claims 3, 8 and 13 are canceled without prejudice or disclaimer, claims 1, 6, 11, 12, 14, 15 and 20 are currently amended. No new matter is introduced.

The Office Action mailed August 30, 2006 objected to claim 20 and rejected claims 11-15 as non-statutory under 35 U.S.C. § 101, claims 1-2, 4-7, 9-12 and 14-15 under 35 U.S.C. § 102 as anticipated by *Chang et al.* (US 2005/0227709 A1), and claims 3, 8, 13 and 16-23 as obvious under 35 U.S.C. § 103 based on *Chang et al.* in view of *Diacakis et al.* (US 2004/0185875 A1).

In view of the claim amendment, Applicants believe the claim objection and the § 101 rejection are overcome. Namely, with respect to the § 101 rejection, claims 11, 12, 14 and 15 now recites a “computer-readable **storage** medium.”

To reduce issues for potential Appeal, Applicants have amended independent claims 1, 6 and 11 to incorporate the features of dependent claims 3, 8 and 13 (now canceled), respectively. Amended claims 1 and 11 recite “**broadcasting, according to a schedule**, the assistance location information to the plurality of telemetry devices over the wireless network.” Claim 6, as amended, recites “a messaging server configured to broadcast, **according to a schedule**, the assistance location information to the plurality of telemetry devices over the wireless network.”

The Examiner acknowledges, on page 5 of the Office Action, that “Chang does not use schedule,” and thus, is forced to rely on *Diacakis et al.* for such a supposed teaching. First, Applicants respectfully submit that the proposed combination is improper as *Chang et al.* teaches away the use of a schedule. Secondly, Applicants note that the schedule used in the *Diacakis et al.* system is not the claimed schedule.

Chang et al. discloses (per the Abstract) a system in which generated aiding data sets are stored at intervals on a data-storing network server, whereby updated aiding **data sets are available on a continuous basis for access by a requesting entity** via communication with the data-storing network server (*see also*, FIG. 3, step 320). In particular, the operation of the *Chang et al.* system, paragraph [0035], is as follows (Emphasis Added):

[0035] The aiding data generated by the A-GPS server 140 can be utilized to fulfill a request for the position of a target mobile station 160. **Such a request can be made by any appropriate requesting entity communicating with the system 100.** The requesting entity can be, for example, an application, site, or end user that utilizes the position of a mobile station 160 in order to provide location-based services (e.g., map information, travel directions, tracking, commercial information) or emergency services (e.g., E911 service) to the user of the mobile station 160. The requesting entity can also be the target mobile station 160 itself or another mobile station that seeks the position of the target mobile station 160. For convenience, the remainder of the description of the operation of the exemplary system 100 illustrated in FIGS. 1 and 2 will assume that the requesting entity is the mobile station 160, with the understanding that the system 100 and methods encompassed by this disclosure are not limited to this scenario.

As evident from the above passage, aiding data is not broadcast to the target mobile according to a schedule, but requires the target mobile to initiate a request for the data. That is, the *Chang et al.* system supplies the aiding data only when the target mobile requests the data, thereby reducing network bandwidth requirements (*see e.g.*, paragraph [0045]). Therefore, *Chang et al.* effectively teaches away “broadcasting, according to a schedule, ... to the plurality of telemetry devices.” A reference should be considered as a whole, and portions arguing against or teaching away from the claimed invention must be considered. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve Inc.*, 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986).

Diacakis et al. does not cure the deficiencies of *Chang et al.* (even assuming that the references can be properly combined), as the schedule taught by *Diacakis et al.* is not the claimed schedule. Rather, *Diacakis et al.* teaches an A-GPS system in which scheduled location updates

are used to verify location of an employee, as well as, increasing the accuracy of location monitoring. The Office Action cites paragraphs [0017] and [0018], which state (Emphasis Added):

[0017] The present aspect allows **a requesting entity to be updated with regard to the location of a wireless unit of interest.** In this regard, the location updates may be provided based on trigger events that are wireless unit initiated (e.g., wireless communications to an from the wireless unit) as well as trigger events that are free of wireless unit actions (e.g., scheduled location updates). For instance, **location updates may be procured for a wireless unit of interest on a periodic schedule** for a predetermined portion of the day (working hours) **to verify, for example, that the user of the wireless unit (e.g., an employee) is located within a predetermined area.**

[0018] According to another aspect of the present invention, a method for obtaining location information for a wireless unit of interest based on the location of that wireless unit relative to one or more zones is provided. The method includes identifying a wireless unit of interest and establishing at least one zone of interest associated with that wireless unit. Location information for the wireless unit is obtained from at least one location information source associated with the wireless network. This may be performed on a period basis or on another schedule based on the location of the wireless unit of interest relative to the zone of interest. **In any case, the location information is utilized to monitor a location of the wireless unit relative to the zone of interest. Upon the uncertainty of the location of the wireless unit of interest overlapping with one of the zones of interest, a third party may be notified.** Likewise, when an uncertainty associated with the area of the wireless unit overlaps one or more zones of interest, a second monitoring schedule may be implemented: For instance, the rate and/or accuracy of the location monitoring may be increased.

The schedule of *Diacakis et al.* relates to **providing an entity with periodic information as to the whereabouts of mobile units**; whereas, the aiding data of *Chang et al.* is supplied to the target mobile for determining its own location. Thus, the schedule of *Diacakis et al.* is distinguishable from the claimed schedule.

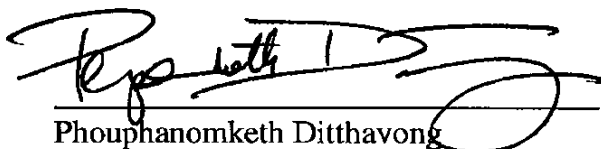
Based on the foregoing, Applicants respectfully request withdrawal of the obviousness rejection, and submit that the anticipation rejection is rendered moot.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date



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